

### REMARKS

Claims 76-87 are pending.

The Examiner has requested election of an invention from the following groups:

Group I: Claims 63-65 and 67-72

Group II: Claim 73

Group III: Claims 76-87

In a telephone conversation with Examiner Shen, Applicants' representative Ali S. Razai brought to it to the Examiner's attention that Claims 63-65, 67-72, and 73 were cancelled by the Preliminary Amendment filed May 13, 2008. Examiner Shen informed Applicants' representative that the restriction between the three groups was issued as a result of an oversight by the Examiner. As a result of the cancellation of Claims 63-65, 67-72, and 72 by the Preliminary Amendment filed May 13, 2008, a restriction between the three groups is moot. Accordingly, Applicants respectfully request examination of pending Claims 76-87.

Further, the Examiner has requested election of a species selected from the group consisting of Nodal, activin A, and activin B. Applicants elect activin A for prosecution on the merits, without traverse. Claims 76-87 read on activin A. Applicants respectfully request rejoinder of the non-elected species upon allowance of a generic claim. Applicants reserve the right to pursue any or all withdrawn and/or cancelled subject matter in one or more continuing applications.

#### No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not

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reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Title	Filed
11/021,618	DEFINITIVE ENDODERM	December 23, 2004
11/681,687	ENDOCRINE PRECURSOR CELLS, PANCREATIC HORMONE-EXPRESSING CELLS AND METHODS OF PRODUCTION	March 2, 2007
11/115,868	PDX1 EXPRESSING ENDODERM	April 26, 2005
11/587,735	PDX1 EXPRESSING ENDODERM	April 26, 2005
11/165,305	METHODS FOR IDENTIFYING FACTORS FOR DIFFERENTIATING DEFINITIVE ENDODERM	June 23, 2005
11/317,387	EXPANSION OF DEFINITIVE ENDODERM	December 22, 2005
12/093,590	EXPRESSION OF MARKER GENES IN DEFINITIVE ENDODERM CELLS	November 14, 2005
11/588,693	PDX1-EXPRESSING DORSAL AND VENTRAL FOREGUT ENDODERM	October 27, 2006
11/474,211	PREPRIMITIVE STREAK AND MESENDODERM CELLS	June 23, 2006
11/773,944	METHODS OF PRODUCING PANCREATIC HORMONES	July 5, 2007
11/860,494	METHODS FOR INCREASING DEFINITIVE ENDODERM PRODUCTION	September 24, 2007
12/107,020	METHODS FOR PURIFYING ENDODERM AND PANCREATIC ENDODERM CELLS DERIVED FROM HUMAN EMBRYONIC STEM CELLS	April 21, 2008
12/132,437	GROWTH FACTORS FOR PRODUCTION OF DEFINITIVE ENDODERM	June 3, 2008
12/167,227	METHODS OF PRODUCING PANCREATIC HORMONES	July 2, 2008

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### **CONCLUSION**

Applicants believe that all outstanding issues in this case have been resolved and that the present claims are in condition for allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is invited to contact the undersigned at the telephone number provided below in order to expedite the resolution of such issues.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 1, 2008

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